

REMARKS

Claims 1-19 are pending. The applicants respectfully request reconsideration and allowance of this application in view of the above amendments and the following remarks.

Counsel for the applicants appreciates the courtesy of the personal interview on August 5, 2008. The following constitutes a summary of issues discussed at the personal interview.

Claim 10 and its dependent claims were revised to change “target device” to read “navigation device,” consistent with the other language of claim 10.

Claims 1-4, 6-7, and 9-19 were rejected under 35 USC 103(a) as being unpatentable over JP-A-H110119792, Yamaguchi (“Yamaguchi”) in view of U.S. Patent No. 6,230,138, Everhart (“Everhart”). Claim 5 was rejected under 35 USC 103(a) as being unpatentable over Yamaguchi in view of Everhart and further in view of U.S. Patent No. 6,345,254, Lewis et al. (“Lewis”).

Claim 8 was rejected under 35 USC 103(a) as being unpatentable over Yamaguchi in view of Everhart, further in view of U.S. Patent No. 5,754,430, Sawada (“Sawada”). The independent claims are amended for clarity as discussed at the interview, to recite outputting “*a correct usage of the voice command* inputted by the user *in a different function setting*” (or different operating condition), and to add a comma before “when the voice command is determined inexecutable ...”. Claims 9 and 10 have been amended to recite that the voice command is “*...executable to operate the target device* [or navigation device] under another operating condition of the target device.” The applicants respectfully request that these rejections be withdrawn for reasons including the following, which are presented by way of example.

The specification describes problems in handling commands that are inexecutable in the current settings of a target device, for example, a vehicle navigation system. The user may be

confused since, for example, the command is never executed but the user is not notified.
(Specification page 1, line 25 to page 2, line 17.)

Independent claim 1 recites, in combination “a command executability determination means ... for providing, by the message output means, a correct usage of the voice command inputted by the user in a different function setting, when the voice command is determined inexecutable in the function setting detected currently and is executable in a different function setting of the target device.”

Independent claim 9 recites “determining whether the voice command inputted by the user is executable under the detected current operating condition of the target device; and notifying a method of correct usage of the voice command inputted by the user in a different operating condition, when the voice command inputted by the user is determined inexecutable under the current detected operating condition but executable to operate the target device under another operating condition of the target device.”(See also independent claim 10.)

Consequently, it is checked whether the recognized voice command that is input to operate the target device is executable in relation to the current function setting (claim 1) or current operating condition (claims 9, 10) of the target device (claims 1, 9) or the navigation device (claim 10) which is to be controlled by the recognized voice command. Furthermore, the correct usage of the voice command in a different function setting (or operating condition) is provided if the voice command is currently inexecutable based on the current function setting (or operating condition) but is executable in a different function setting (or operating condition) of the target device (claims 1, 9) or the navigation device (claim 10).

The office action admits that Yamaguchi fails to teach or suggest “a command executability determination means for determining executability of the voice command inputted

by the user in the function setting detected by the function setting detection means for providing, by the message output means, a correct usage of the voice command inputted by the user when the voice command is determined inexecutable in the function setting detected currently and is executable in a different function setting of the target device.”

Yamaguchi discusses, in paragraph [0010], a talk-back which notifies a user of a voice command recognition result and a different voice command to be used when the actual input voice command is similar to other commands. Yamaguchi fails to teach or suggest, for example, “a function setting detection means for detecting a function setting of the target device;” and “a command executability determination means for determining executability of the command inputted by the user in the function setting detected by the function setting detection means and for providing … a correct usage of the voice command inputted by the user when the voice command is determined inexecutable.” (Claim 1; see also claims 9, 10.) Particularly, Yamaguchi fails to teach that a *correct usage of the voice command in a different function setting* is output based on the determination of inexecutability of the actual input voice command under the existing function setting or operating condition of the target device. To the contrary, according to Yamaguchi, when “the aperture of a driver’s seat is lowered” is recognized, the message is “… please restate, ‘the aperture of a driver’s seat is opened,’” (paragraph [0048]), even though the command cannot be executed even in a different function setting. That is, Yamaguchi tells the user to state a different voice command and does not output the function setting.

Furthermore, Yamaguchi fails to teach or suggest detecting a function setting of the target device. In Yamaguchi, to the contrary, the prohibition of operation of a control target device is dependent on the surrounding condition in which the target device is located.

Still further, in Yamaguchi, when the similar command is recognized, the operation corresponding to the similar command is prohibited if it is determined that the surrounding condition is problematical from the standpoint of safety. Instead a message is issued to notify a user of a normal command (e.g., [0047], [0048]). That is, in a situation that the operation corresponding to the similar command is not executable, a “normal command” is notified but the correct usage of the “similar command” (how to use the similar command) is not notified or taught. Since Yamaguchi treats the “similar command” as an improper command, nothing is taught about using the “similar command” in the right way.

Everhart, Col. 4, lines 29-34, teaches outputting “audible feedback to occupants about the functions or states of the accessories being controlled.” This is nothing but audible notification of the functions or states of the accessories. Everhart also clearly fails to teach or suggest that a correct usage of a voice command is output based on the determination of inexecutability of the actual input voice command under the existing function setting or operating condition of the target device. Thus, the proposed combination of Everhart and Yamaguchi fail to teach. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974) (all the claim limitations must be taught or suggested by the reference (or references when combined)).

Yamaguchi and Everhart are thus both deficient. Yamaguchi and Everhart, alone or in combination, fail to teach or suggest, for example, these elements recited in independent claims 1, 9 and 10. It is respectfully submitted therefore that claims 1, 9 and 10 are patentable over Yamaguchi and Everhart.

For at least these reasons, the combination of features recited in the independent claims, when interpreted as a whole, is submitted to patentably distinguish over the references of record. In addition, the references clearly fails to show other recited elements as well.

With respect to the rejected dependent claims, applicant respectfully submits that these claims are allowable not only by virtue of their dependency from the independent claims, but also because of additional features they recite in combination.

In addition, with regard to claim 11, none of the references (alone or in combination) teach that the function setting detection means of the target device detects function settings by interrupting the operation of the target device. Similarly, with regard to claims 13 and 15, none of the references teach that the operating condition is detected by interrupting the operation of the target device. On page 8 of the Office Action, the examiner continues to argue that Yamaguchi's ability to forbid or permit device actuation amounts to detecting the function setting by interrupting the operation of the target device. ("[W]hen a certain similar type command has been recognized, ... the device actuation according that command is forbidden," Yamaguchi paragraph [0013].) The applicants have explained that forbidding actuation is completely different from interrupting operation of a device to detect its function setting. The examiner is respectfully requested to respond to this explanation. Accordingly, it is respectfully submitted that the rejection of claims 11, 13 and 15 must be withdrawn.

With regard to claims 12, 14 and 16, none of the references teach or suggest sending a signal to execute the command if it is executable under the detected operating condition, and that the function setting of the target device is changed by executing the command. For example, the examiner argues in the Advisory Action that an environmental condition such as "nighttime" "leads to a function setting" of the target device. Assuming as the examiner argues that an environmental condition such as "nighttime" can lead to a function setting of the device (which applicants deny), Yamaguchi fails to teach or suggest sending a signal to the device to execute a command which changes such a function setting according to the examiner's interpretation, e.g., so that it is no longer "nighttime". In the present office action, the examiner states without

support that Yamaguchi's environmental issues includes "whether windows are up," and cites paragraph [0012]. However, a close review of Yamaguchi reveals no such thing. To the contrary, "the aperture of a driver's seat is shut," etc. are commands (paragraph [0022]) and "nighttime" is "equivalent to the environmental condition of this invention" (paragraph [0033]). Considering these claims as a whole, it is respectfully requested that the rejection of claims 12, 14 and 16 be withdrawn for this additional reason.

Claim 17 recites that "the target device is a vehicle navigation system, wherein the plurality of commands are further used to change the function setting of the target device." (See also claims 18, 19.) By reciting that the commands are used to change the function setting or operating condition of the target device, it is clear that a function setting or operating condition is not a result of merely an external condition. The examiner admits that Yamaguchi fails to teach or suggest changing the function setting of the target device, but contends that adding Everhart to accommodate different acoustic characteristics would result in changing the function setting of the target device. It is doubtful that modifying Yamaguchi to recognize commands in different cabin locations is going to result in changing the environmental condition (Yamaguchi's function setting), e.g., change nighttime to a different condition. Accordingly, claims 17-19 are deemed to be patentable over the references.

For these additional reasons, claims 11-19 are deemed to be patentable over the references, alone or in combination.

Applicants respectfully submit that, as described above, the cited art does not show or suggest the combination of features recited in the claims. Applicants do not concede that the cited art shows any of the elements recited in the claims. However, applicants have provided specific examples of elements in the claims that are clearly not present in the cited art.

Applicants strongly emphasize that one reviewing the prosecution history should not interpret any of the examples applicant has described herein in connection with distinguishing over the cited art as limiting to those specific features in isolation. Rather, for the sake of simplicity, applicants have provided examples of why the claims described above are distinguishable over the cited references.

In view of the foregoing, the applicants submit that this application is in condition for allowance. A timely notice to that effect is respectfully requested. If questions relating to patentability remain, the examiner is invited to contact the undersigned by telephone.

If there are any problems with the payment of fees, please charge any underpayments and credit any overpayments to Deposit Account No. 50-1147.

Respectfully submitted,



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